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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,284

12/04/2003

Jin Degen

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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

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06/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/728,284	Applicant(s) DEGEN ET AL.	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6,7,9,11-14,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,9,11-14,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: First and second brackets are not described in the specification. They are shown in the drawings, but do not have reference numbers.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the handle being constructed of angled L-iron (it appears that only the connecting portion is) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details of the handle to an equally sufficient detail as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Claims 1, 6, 7, 9, 11, 12, 13 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the specification the handle is only described of having a connecting portion constructed of angle L-iron and then a handle portion constructed from, plastic or other material. Therefore the handle as a whole being constructed of angled L-iron and being generally L-shaped is not enabled to a level that would allow one skilled in the art to make the invention.

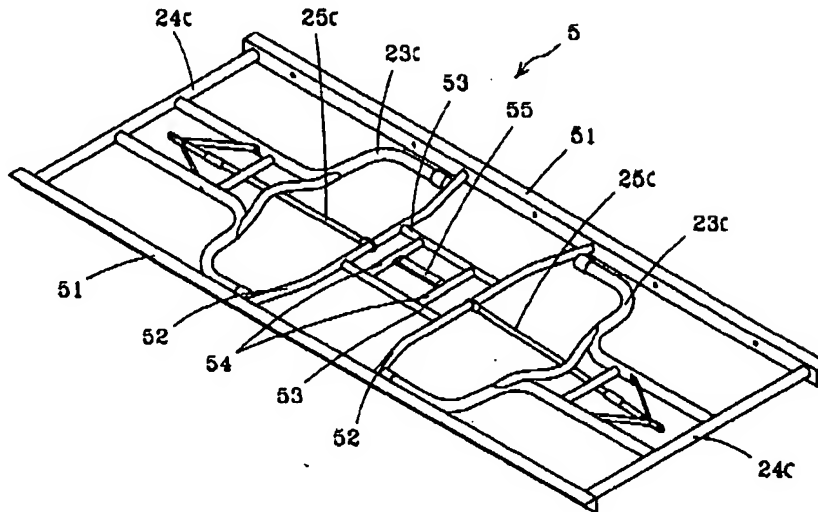
5. Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the specification the handle is only described of having an L-shaped connecting portion constructed of angle L-iron and then a L-shaped handle portion constructed from, plastic or other material. Therefore it is unclear how two L-shaped member put together also make an L-shaped member.

***Claim Rejections - 35 USC § 102***

6. Claims 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publications 2003/0233967 to Lin. In the embodiment in figure 6 Lin teaches a table with a table top (1). The table top (1) has a top surface and a bottom surface. Figure 6 teaches an alternative frame structure (5) made of metal to substitute the frame structure (2) of figure 1 and 2. A mounting structure (12) is centrally disposed on the bottom surface. The mounting structure (12) includes a first connecting member (A') and a second connecting member (B'). A first and second leg assembly (23c,24c) is attached to the table top. A first support assembly (25c) is attached to the first leg assembly (23c,24c) and to a first connecting rod (52). The first connecting rod (52) is connected to the first and second connecting member (A', B') and second connecting rod (52) is also connected to the first and second connecting member (A', B'). A second leg assembly (23c,24c) has a second support assembly (25c) connecting to the second connecting rod (52). A handle has a handle portion (55) that is attached to the inner side of the first connecting member (A') and inner side of the second connecting member (B') via the connecting portion (54). A space is below the handle portion (55) to allow a person to place their fingers around the handle portion (55). The handle (55,54) is formed separately from the connecting members (A', B'). The connecting portion (54) and the handle portion (55) is formed from two pieces of metal welded together making them formed discretely. The connecting members (A', B') are formed integrally formed with the table top (1). The table top (1) is made of plastics by blow molding method, which means that it has a hollow interior. First and second brackets (53) connect to the

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inner side of the first and second connecting member (A', B') and to connecting portion (54) of the handle (55,54).



Lin '967 Figure 6

### ***Claim Rejections - 35 USC § 103***

7. Claims 1, 6, 7, 9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publications 2003/0233967 to Lin. The embodiment in figure 6 Lin discloses every element as claimed and discussed above except a second handle with third and fourth connecting members and the connecting portions of the handle being constructed of angled L-iron.

8. Regarding claim 1, it would have been obvious for a person of ordinary skill in the art to modify the table of Lin by having the connecting portions constructed of angled L-iron, since applicant has not disclosed that having the connecting portion constructed of this material solves any stated problem or is for any particular purpose and it appears that the connecting portions and handle portion would perform equally well with the

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connecting portions of tubular metal since it is functionally equivalent and works equally well.

9. Regarding claim 9, Lin does not expressly disclose a second handle, at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the structure of Lin by having two handles connected to the two connecting portions to allow for multiple gripping positions and users with shorter arms. Note: It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP § 2144.04

10. Regarding claim 11, It would have been obvious matter of design choice to modify Lin '967 by having the first and second connecting members split into two to make a third and fourth connecting members, since the applicant has not disclosed that having more than two connecting members solves any stated problem or is for any particular purpose and it appears that the structure would perform equally as well with just two connecting members.

### ***Response to Arguments***

11. Applicant's arguments filed 3/26/07 have been fully considered but they are not persuasive. This action has been made non-final since the 112.1 rejection was not made before. In addition in the previous office action claim 2 was said to be allowable subject matter, the subject matter is now in claim 1 and it is considered now to be obvious in view of Lin's second embodiment as seen in rejections above. Regarding claim 21 and the handle being generally L-shaped, it is considered that combination of



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the connecting portion and the handle portion as taught by Lin in figure 6 is considered L-shaped to the same level that the applicant's handle is L-shaped.

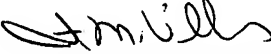
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMA  
6/01/07



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